UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/53/968
S/1999/587
20 May 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda items 39, 40 and 84
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Fifty-fourth year

Letter dated 20 May 1999 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

Reverting to illegal policies and practices, this week, Israel, the occupying Power, resumed colonial settlement activities in and around Occupied East Jerusalem in violation of international law, the Fourth Geneva Convention of 1949 and Security Council and General Assembly resolutions. Specifically, the Israeli side began actual construction at Jabal Abu Ghneim, to the south of East Jerusalem, on Sunday, 16 May, and at Ras al-Amud, an Arab neighbourhood within the original boundaries of the municipality of East Jerusalem, on Tuesday, 18 May.

For more than three decades, Israel, the occupying Power, has pursued such illegal measures and activities with the clear intention of increasing Jewish settlement in the city and thereby illegally altering the demographic composition, geographical nature and character of the city. Recent actions in this regard have been overtly designed to alter the facts on the ground and impose a fait accompli with regard to the status of Jerusalem prior to the negotiation of a final settlement in the peace process. Taking advantage of intentional delays and the stalemate in the peace process, the current Israeli Government has decided to proceed with the construction of the two above-mentioned settlements in total contempt of international law and the unequivocal position of the international community in this regard.

The crisis regarding the illegal settlement at Jabal Abu Ghneim was first brought before the Security Council in a letter dated 28 April 1995 (A/50/168-S/1996/341) concerning the Israeli Government's decision to confiscate 53 hectares of Palestinian land within the area of illegally expanded and annexed East Jerusalem. The Security Council convened in May 1995 to consider this critical situation. That meeting resulted in the veto of a draft resolution by a permanent member. At a later stage, in July 1995, the Israeli Government decided not to proceed with construction. However, construction attempts were revived again in 1997 under Mr. Netanyahu's administration.

The Chairman of the Group of Arab States brought the issue to the attention of the Security Council in a letter dated 25 February 1997 (A/51/808-S/1997/157). On 5 March 1997, the Council convened to address this serious matter, which was followed by the resumption of the fifty-first session of the General Assembly on 12 and 13 March 1997 and the convening of another Council meeting on 21 March 1997. Although the Assembly overwhelmingly adopted a resolution condemning Israel's illegal actions (resolution 51/223), the Council failed to carry out its responsibilities in response to this crisis owing to two consecutive vetoes by a permanent member. In the interim between the two Council meetings, Palestine submitted two letters, on 17 March 1997 (A/51/834-S/1997/228) and 18 March 1997 (A/51/837-S/1997/233), calling upon the Council to undertake measures to bring about the full and immediate cessation of illegal Israeli settlement activities in the Occupied Palestinian Territory, including Jerusalem.

Moreover, the crisis at Jabal Abu Ghneim led to the convening by the General Assembly, for the first time in 15 years, of an emergency special session ("Uniting for Peace"). The tenth emergency special session was convened on 24 April 1997 to consider "illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory". The session, which was resumed four times following that initial meeting, overwhelmingly adopted five strong resolutions (ES-10/2 of 25 April 1997, ES-10/3 of 15 July 1997, ES-10/4 of 13 November 1997, ES-10/5 of 17 March 1998 and ES-10/6 of 9 February 1999) condemning Israel's construction at Jabal Abu Ghneim and all other illegal Israeli actions in the occupied territories and reaffirming the applicability of the Fourth Geneva Convention of 1949 to the Occupied Palestinian Territory, including Jerusalem. Further, the resolutions reaffirmed that all legislative and administrative measures and actions taken by Israel that have altered or purported to alter the character, legal status and demographic composition of Jerusalem are null and void and have no validity whatsoever. As it has done with regard to countless Security Council and General Assembly resolutions over the decades, Israel has ignored those resolutions of the emergency special session and has actually completed work on the infrastructure of the illegal settlement at Jabal Abu Ghneim.

The illegal construction at Ras al-Amud, a crowded Arab neighbourhood of Occupied East Jerusalem, was also brought to the attention of the Security Council in two letters dated 19 September 1997 (A/52/371-S/1997/727 and A/ES-10/15) and 27 August 1998 (A/52/1025-S/1998/816). The construction at Ras al-Amud represents yet another step in Israel's colonial settlement campaign in the Occupied Palestinian Territory and another specific attempt aimed at judaizing Jerusalem and illegally changing its demographic composition and

character. In both letters, it was emphasized that the Security Council needed to take immediate action with the aim of reversing the Israeli decision concerning Ras al-Amud and bringing an end to the repeated violations of international law and resolutions of the Council in this regard.

Today, as mentioned above, we are once again confronted with illegal Israeli actions at Jabal Abu Ghneim and Ras al-Amud. This serious situation must be responded to and addressed appropriately and in a timely manner. As indicated above, it is probable that a lack of decisive action by the Council was construed by the Israeli side as encouragement to proceed with such illegal measures. The Security Council, as the body responsible for the maintenance of international peace and security, has the duty to take immediate action in order to reverse the Israeli decisions, bring an end to these violations and ensure respect for the Council's resolutions as well as for international law.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the General Assembly, under agenda items 39, 40 and 84, and of the Security Council.

(Signed) Nasser AL-KIDWA
Ambassador
Permanent Observer of Palestine
to the United Nations

United Nations A/53/969

General Assembly

Distr.: General
21 May 1999
English
Original: French

Fifty-third session
Agenda item 110 (a)*
Human rights questions: implementation of human rights instruments

Letter dated 17 May 1999 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention a statement on the fiftieth anniversary of the Council of Europe issued on 5 May 1999 by the Presidency of the European Union.

I should be grateful if you would have the text of this letter and its annex circulated as a General Assembly document.

(*Signed*) Dieter **Kastrup**
Permanent Representative of Germany
to the United Nations

* A/53/150.

99-15087 (E) 240599 240599

Annex

[Original: English and French]

Statement on the fiftieth anniversary of the Council of Europe issued on 5 May 1999 by the Presidency of the European Union

I. As the Council of Europe reaches its fiftieth anniversary, the European Union pays tribute to the achievements of this organization. It reaffirms its attachment to the fundamental values of the Council of Europe, reconfirmed by the second Council of Europe summit in 1997, of pluralist democracy, respect for human rights and the rule of law. As the community of European nations strives to build a Europe based on these principles, their gross and systematic violation in Kosovo is a brutal reminder that the endeavour is far from being completed.

The Treaty signed in London on 5 May 1949, four years after the end of a war which had torn Europe apart, was a genuine founding act. It was not limited to establishing links of friendship, interest or alliance between its parties; it aimed to safeguard and promote a number of values and principles shared by those parties through an international institutional framework capable of exerting influence on the development of societies in Europe.

The European Union expresses its appreciation for the key role played in the past 50 years by the Council of Europe, not least its contribution through its rapid enlargement, to European reconstruction. The Council of Europe has played a major part in the recognition that fundamental human values should form the basis for the emergence of a democratic society throughout the European continent. Its enlargement as a response to the political changes in Europe has further enhanced the relevance of the organization. The Union welcomes Georgia's accession as forty-first member State. It hopes that the remaining applicant countries will soon bring their institutions and legislation into line with the requirements of the Council of Europe and resolve any conflicts between them so that they will also be able to join the organization.

The European Union stresses the importance of full compliance with membership obligations and expects that all member States of the Council of Europe will fulfil their commitments to the organization.

II. The Council of Europe has developed unique expertise and *acquis* in the field of democracy and human rights. The European Union underlines the essential standard-setting role in the field of human rights played by the Council, the only organization in Europe with a monitoring system for the protection of individual human rights which is binding under international law. Central to this system is the European Convention on Human Rights, as ratified by all member States. The Convention must remain the essential reference point for the protection of human rights in Europe as a whole in terms of both guaranteed rights and of judicial control of respect for those rights.

The Council of Europe has developed an original model in which the monitoring mechanisms of the Committee of Ministers and the Parliamentary Assembly complement the independent judicial control exercised by the European Court of Human Rights. The new European Court of Human Rights, inaugurated in November 1998, further consolidates this model. The European Union also welcomes the establishment of the post of a Council of Europe Commissioner for Human Rights and believes that the Commissioner will add to the effectiveness of the organization's monitoring structures. It looks forward to working with the Commissioner to promote awareness of and respect for human rights throughout Council of Europe member States.

The protection of persons belonging to national minorities forms a major part of the Council's *acquis*, as illustrated by the Framework Convention on Minorities, and an area in which the organization has demonstrated its ability to formulate standards to meet the particular needs of modern Europe. The importance of these standards is made even more obvious by the current situation in South-east Europe.

The European Union also seizes the opportunity offered by the fiftieth anniversary of the Council of Europe to underline the particular importance it attaches to Protocol No. 6 to the European Convention on Human Rights concerning the abolition of the death penalty. It calls upon all member States of the Council of Europe to abide by their commitment to establish moratoria on executions, to be consolidated by complete abolition of the death penalty.

The Council of Europe has important tasks, relevant for the whole of Europe, in the field of public health, cultural cooperation and social cohesion. The European Union recognizes the value and importance of these tasks.

III. The European Union and the Council of Europe share the same goals with regard to the protection and promotion of the principles of liberty, democracy and respect for human rights and fundamental freedoms and the rule of law. The protection of these principles, enshrined in the Treaty on European Union, is further reinforced in the Amsterdam Treaty.

The Union is examining ways to reinforce its capacity to protect and promote human rights. The Declaration by the Union adopted on 10 December 1998 and endorsed by the Vienna European Council, on the fiftieth anniversary of the Universal Declaration of Human Rights identified avenues to that end.

The European Union and the Council of Europe join forces and complement their respective actions towards their shared goals, notably by implementing a number of joint programmes for cooperation and assistance to Central and Eastern European countries. The European Union welcomes the concrete results of those programmes and looks forward to their further development. The recent agreement between the European Community and the Council of Europe for close cooperation between the European Monitoring Centre against Racism and Xenophobia and the Council of Europe's European Committee against Racism and Intolerance is a further illustration of these joint efforts. Finally, the Council of Europe's experience will be useful for the European Union in its current enlargement process.

IV. The European Union encourages the work under way, on the basis of the report of the Committee of Wise Persons. to define the Council of Europe's priorities and objectives for the twenty-first century and to reorganize and make more efficient the council's structures and working methods. Based on the report to be presented to the Budapest Ministerial Council, the European Union will support action to implement the far-reaching reforms aimed at defining those priorities and will contribute actively to that process.

Future priorities in consolidating the place and role of the Council of Europe in Europe will include a reaffirmation of the essence of the Council as guardian of human rights and pluralist democracy through its normative and judicial activity to promote democratic security. They will also include the need for further development of relations between the Council of Europe and the European Union as well as other European and transatlantic organizations, in particular the Organization for Security and Cooperation in Europe. In this context, the European Union welcomes the efforts towards enhanced cooperation and complementarity between the Council of Europe and the Organization for Security and Cooperation in Europe in the light of their common principles and goals.

The Union sees advantage in using to the fullest, in cooperation with other international institutions, the expertise and mechanisms of the Council of Europe to advance the objectives of upholding human rights standards and supporting pluralist democracy.